

REMARKS

Claims 30-49 are pending in the present application. Claims 30 -39 are allowable and claims 40-49 are rejected. Claim 40 has been amended. Accordingly claims 30-49 remain pending in the present application.

Applicant appreciates and acknowledges the allowance of claims 30-39.

Claim Rejections – 35 USC § 112

The Examiner states,

Claims 40-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claim 40 claims “A computer program product system for monitoring quality of service of play out of a digital video program, the system tangibly embodied on first and second computer-readable mediums, the computer product system comprising instructions”. From this, it is unclear whether the appellant is defining the product as a machine consisting of first and second computer-readable mediums or as the instructions describing appellant’s method for monitoring quality of service in a digital video program.

ARGUMENTS

Rejection under 35USC § 112

Applicant has amended claim 40 to clearly recite a computer program product system that includes two computer readable mediums; a first computer readable medium including instructions for encoding; creating and transmitting the meta stream and a second computer

readable medium located at the play out device including instructions for computing statistics.

Accordingly, Applicant respectfully submits that claims 40-49 are now clear and definite and the rejection under 35USC 112 has been overcome.

CONCLUSION

Applicant submits that claims 30-39 are allowable. Furthermore applicant submits that the rejection of claims 40-49 have been overcome by the above identified amendments.

Accordingly, Applicant respectfully requests reconsideration and allowance of claims 30-49 as now presented. Should any unresolved issues remain, the Examiner is invited to call the undersigned at the telephone number indicated below.

Respectfully submitted,
SAWYER LAW GROUP, P.C.

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Date

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